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July 22, 2025

Sent and served via CM/ECF

Hon. Paul J. Evangelista, USDC Magistrate Judge

Re: *Figuerero v. City of Saratoga Springs, et al* 23-cv-00922

Dear Magistrate Judge Evangelista:

I write to request extensions of time – a “hold” - regarding the designation of a mediator in this case and for the completion of the mediation process.

At this time, the mediation deadline is November 15, 2025.

With the agreement of all parties, the Court issued a subpoena duces tecum to the NYS Attorney General (docket # 73) for all records and materials that agency obtained and maintains regarding the underlying facts and circumstances of this case and a companion case. My understanding is the NYS AG has not provided any of the subpoenaed materials and, in fact, is objecting to compliance with the Court’s subpoena. The subpoenaed materials are crucial for all parties in evaluating the claims and defenses as well as in regard to assessments of appropriate potential settlements. The NYS AG engaged in a lengthy investigation of police conduct in the City of Saratoga Springs, including relating to the incident that is the subject of this case, and, in the course of this investigation obtained voluminous documents and other materials. While all the parties have access to the report eventually published by the NYS AG in February 2024, none of us have access to the full documentation.

As the issue of compliance with the Court’s subpoena is likely headed towards motion practice, we suggest it makes sense to put the mediation process on hold at least until the question of access to the NYS AG’s documentation is resolved

I proposed this “hold” on the mediation process to all of the other counsel in this case and asked that they inform me by the close of business today of any objection to this request. I have heard no objections and some of the other attorneys have affirmatively expressed their consent.

Thank you for your consideration.

Very truly yours,
/S/MARK S. MISHLER, ESQ.

Mark S. Mishler
Attorney for Plaintiff

cc: all counsel